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Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to draw your attention to the statement adopted today at the 316th meeting of the Committee on the situation in Occupied East Jerusalem (see annex).

I should appreciate it if the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Paul **Badji**
Chairman
Committee on the Exercise of the Inalienable
Rights of the Palestinian People

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Annex to the letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

Statement by the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation in Occupied East Jerusalem*

19 May 2009

The Committee on the Exercise of the Inalienable Rights of the Palestinian People expresses its utmost concern about illegal and provocative Israeli policies and measures in Occupied East Jerusalem, including the demolition of Palestinian houses, settlement construction in and around the city, Wall construction, movement restrictions and other measures that affect the legal, demographic and cultural character and status of the city.

According to the Office for the Coordination of Humanitarian Affairs, between 2000 and 2008, the Israeli authorities demolished more than 670 Palestinian-owned structures in East Jerusalem, 90 of which were demolished in 2008. These actions by the occupying Power led to the displacement of some 400 Palestinians. Currently, some 60,000 Palestinians are at risk of having their homes demolished because they were built without the required Israeli permits, which are nearly impossible for Palestinians to obtain for construction and expansion of homes in East Jerusalem. Furthermore, over one third of East Jerusalem has been expropriated throughout the Israeli occupation for the construction of settlements. These practices violate article 49 of the Fourth Geneva Convention, which states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies", and article 53 of the Convention, which prohibits the destruction of personal or State-owned property by the occupying Power, except where such destruction is rendered absolutely necessary by military operations.

Over the years, numerous resolutions on the question of Jerusalem have been adopted by the General Assembly and the Security Council. In 1968, the Security Council adopted resolution 252 (1968), in which the Council considered that "all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status". In the same resolution, the Council also called upon Israel to "rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem". A similar position was expressed in subsequent Security Council resolutions.

The question of Jerusalem is a key aspect of the question of Palestine and constitutes one of the six core issues for the permanent status negotiations of the peace process. The Committee reiterates that Israel must refrain from any activities that change the legal, demographic and cultural character and status of East Jerusalem, the capital of a future Palestinian State. In this regard, Israel must scrupulously abide by its legal obligations as an occupying Power, including under the Fourth Geneva Convention. The Committee considers that an agreement

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encompassing East Jerusalem as the capital of a future Palestinian State is central for the achievement of a just and sustainable settlement of the conflict. Furthermore, the Committee feels strongly that any action purporting to alter the demographic composition, legal status or physical character of East Jerusalem is illegal, provocative and predetermines the outcome of the permanent status negotiations between the parties. The Committee also calls upon the Security Council to live up to its Charter obligations and act against the ongoing illegal actions by the occupying Power in East Jerusalem, by upholding its own resolutions that continue to be unimplemented.

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Security Council

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United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling all its previous resolutions and statements of its President concerning the situation in Somalia,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women and peace and security, 1674 (2006) and 1738 (2006) on the protection of civilians in armed conflict, and 1539 (2004) and 1612 (2005) on children and armed conflict,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia,

Further reaffirming that the Djibouti Agreement represents the basis for a resolution of the conflict in Somalia, and *stressing* the importance of broad-based and representative institutions reached through a political process ultimately inclusive of all,

Welcoming in this regard the election by the Transitional Federal Parliament of Sheikh Sharif Sheikh Ahmed as President of Somalia, the subsequent appointment of a new Unity Cabinet under the Transitional Federal Government, and its relocation to Mogadishu,

Commending the contribution of the African Union Mission to Somalia (AMISOM) to lasting peace and stability in Somalia, *expressing* its appreciation for the continued commitment of troops to AMISOM by the Governments of Uganda and Burundi, and *condemning* any hostilities towards AMISOM and the Transitional Federal Government,

Commending the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah, and *reaffirming* its strong support for his efforts,

Stressing the importance of the re-establishment, training, equipping and retention of Somali security forces, which is vital for the long-term stability of Somalia, and *welcoming* President Sheikh Sharif Sheikh Ahmed's focus on peace through strengthening the security sector, as his government's leading priority,

Reiterating its serious concern at the renewed fighting in Somalia and *reaffirming* its support for the Transitional Federal Government,

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Reiterating its serious concern at the worsening humanitarian situation in Somalia and *calling on* all Member States to contribute to current and future consolidated humanitarian appeals,

Recognizing the commitment of the Transitional Federal Government to address the humanitarian situation in Somalia and *encouraging* it to continue to work with the United Nations to build the capacity of its institutions to this end,

Expressing its concern that serious crimes, in particular killing and maiming, have been committed against civilians and humanitarian staff, in the ongoing conflict in Somalia and *reaffirming* the importance of the fight against impunity,

Recalling its resolution 1844 (2008), imposing measures against those individuals or entities who have been designated as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, acting in violation of the arms embargo or obstructing humanitarian assistance to Somalia,

Recognizing that the ongoing instability in Somalia contributes to the problem of piracy and armed robbery at sea off the coast of Somalia, *stressing* the need for a comprehensive response by the international community to tackle piracy and its underlying causes, and *welcoming* the efforts of the Contact Group for Piracy off the Coast of Somalia, States and international and regional organizations,

Welcoming the Secretary-General's report (S/2009/210) and its recommendations for continued action on the political, security and recovery tracks by the Transitional Federal Government with the support of the international community,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Calls* on all Somali parties to support the Djibouti Agreement, and *welcomes in this regard*, President Sheikh Sharif Sheikh Ahmed's call for all opposition groups to support this process;

2. *Requests* the Secretary-General, through his Special Representative for Somalia, to work with the international community to continue to facilitate reconciliation;

3. *Requests* the Secretary-General to include in his next report recommendations on ways to strengthen the Djibouti peace process;

4. *Underlines* the crucial importance of all parties taking appropriate measures to ensure, without delay, unhindered humanitarian access and assistance to the Somali people;

5. *Condemns* the recent resurgence in fighting and *calls* for the end of all hostilities, acts of armed confrontation and efforts to undermine the Transitional Federal Government;

6. *Emphasizes* that Somalia's long-term security rests with the effective development by the Transitional Federal Government of the National Security Force and the Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy;

7. *Welcomes* the International Conference on Somalia held in Brussels on 23 April 2009 in support of the Somali security institutions and AMISOM;

8. *Urges* Member States, regional and international organizations to contribute generously to the United Nations Trust Fund for the Somali security institutions, and to offer technical assistance for the training and equipping of the Somali security forces, consistent with paragraphs 11 (b) and 12 of resolution 1772 (2007);

9. *Requests* the Secretary-General to continue to assist the Transitional Federal Government in developing the transitional security institutions, including the Somali Police Force and the National Security Force, and further requests the Secretary-General to support the Transitional Federal Government in developing a national security strategy including plans for combating illicit arms trafficking, disarmament, demobilization and reintegration (DDR), justice and corrections capacities;

10. *Calls* on the Transitional Federal Government to develop, in the context of the national security strategy outlined above, the legal and policy framework for the operation of its security forces including governance, vetting and oversight mechanisms, ensuring respect for the rule of law and the protection of human rights;

11. *Recalls* its statement of intent regarding the establishment of a United Nations peacekeeping operation as expressed in resolution 1863 (2009);

12. *Notes* that any decision to deploy such an operation would take into account inter alia the conditions set out in the Secretary-General's report (S/2009/210);

13. *Requests* the Secretary-General to take the steps identified in his report in paragraphs 82-86, subject to the conditions in his report, and to report on progress by 30 September 2009, and again by 31 December 2009; and expresses its intention to review the situation;

14. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies and technical assistance provided in accordance with paragraph 11 (b) of resolution 1772 (2007) to the Transitional Federal Government for the purposes of the development of its security sector institutions, consistent with the Djibouti peace process and subject to the notification procedure set out in paragraph 12 of resolution 1772 (2007);

15. *Requests* the African Union to maintain and enhance AMISOM's deployment in Somalia in order to carry out its mandate as set out in paragraph 9 of resolution 1772 (2007), *welcomes* its efforts to protect the airport, seaport and other strategic areas in Mogadishu; and *encourages* it to continue to assist the Transitional Federal Government in the establishment of the National Security Force and the Somali Force;

16. *Decides* to authorize the Member States of the African Union to maintain AMISOM until 31 January 2010 to carry out its existing mandate;

17. *Requests* the Secretary-General to continue to provide a logistical support package for AMISOM comprising equipment and services but not including the transfer of funds, as described in his letter (S/2009/60) to AMISOM, until

31 January 2010; and *further requests* the Secretary-General to include in the reports requested in paragraph 13 above an update on the deployment of this package;

18. *Requests* AMISOM to ensure that all equipment and services provided under the support package are used in a transparent and effective manner for their designated purposes, and *further requests* the African Union to report to the Secretary-General on the usage of such equipment and services in accordance with the Memorandum of Understanding to be established between the United Nations and the African Union based on appropriate internal control procedures;

19. *Requests* the Secretary-General to continue to provide technical and expert advice to the African Union in the planning and deployment of AMISOM through the existing United Nations planning team in Addis Ababa;

20. *Urges* Member States, regional and international organizations to contribute generously to the United Nations Trust Fund for AMISOM while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of AMISOM;

21. *Requests* the Secretary-General, through his Special Representative for Somalia and the United Nations Political Office for Somalia (UNPOS), to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia and to mobilize resources and support from the international community for both the immediate recovery and long-term economic development of Somalia;

22. *Requests* the Secretary-General, through his Special Representative for Somalia and UNPOS, to work with the Transitional Federal Government to develop its capacity to address human rights issues and to support the Justice and Reconciliation Working Group to counter impunity;

23. *Requests* the Secretary-General to expedite the proposed deployment of elements of UNPOS and other United Nations offices and agencies, including the United Nations Support Office for AMISOM (UNSOA), to Mogadishu consistent with the security conditions, as outlined in his report (S/2009/210);

24. *Decides* to remain actively seized of the matter.